

STAFF COUNCILS AND ASSOCIATIONS
IN
THE U.K. AND INDIA

2000

CONTENTS

	<i>Page</i>
Foreword	v
Whitley Councils in the U.K.	1
Staff Associations in the U.K.	11
Staff Associations and Staff Councils in India ..	20
Appendices	
(a) Constitution of the National Whitley Council	39
(b) Model Constitution for a Departmental Whitley Council	44
(c) Civil Service Arbitration Tribunal (Rules of Procedure)	50
(d) Civil Service Arbitration Agreement ..	52

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FOREWORD

In recent months there have been considerable interest in and discussion of the problem of evolving suitable machinery within the structure of administration for consultations between government and its employees. The first Pay Commission drew pointed attention to its need; the second Pay Commission made more detailed proposals in the light of the experience with staff councils as exist in the central ministries and departments. The entire question of the nature, objects and functions, scope and powers, mode of representation, etc., of the joint consultative bodies in Government is at present under the active consideration of the Government of India.

Considering the importance of the problem, the Institute organised a series of three public lectures on the 16th, 17th and 18th of August, 1960. The lectures on the first two days, on "Whitley Councils in the U.K." and "Staff Associations in the U.K." respectively, were delivered by Mr. E.H. Cooper, acting Labour Adviser, United Kingdom High Commission in India. Shri S. Lall, I.C.S. (retd.) Chairman, Damodar Valley Corporation, presided on the first lecture, and Shri V.K.R. Menon, I.C.S. (retd.), Director, I.L.O., India Branch, on the second. The third lecture on "Staff Associations and Staff Councils in India" was delivered by Shri B. Shiva Rao, formerly Member of Parliament. It was presided over by Dr. P. Subbarayan, Minister for Transport and Communications, Government of India.

The Institute is grateful both to the learned speakers and the chairmen for their having found some time to let the members of the Institute and others who attended the lectures have the benefit of their views and experience.

As the contents of the lectures are of wider interest, they are published in this volume in the hope that they will stimulate further thinking about the issues concerning the nature and scope of joint consultative machinery in Government.

V. K. N. MENON

Indian Institute of Public Administration,
New Delhi,
December 2, 1960.

WHITLEY COUNCILS IN THE U.K.*

E. H. Cooper

Whitleyism is a method of periodical discussion at various levels between representatives of the State as employers (the Official Side) and representatives of civil servants as employees (the Staff Side).

Its objects are: (a) to get full co-operation between management and staff "with a view to increased efficiency of the public service combined with the well-being of those employed". These are the two most important considerations. (b) To provide machinery for dealing with grievances and (c) to bring together in the solving of problems the experience and different points of view of many kinds of civil servant.

The spirit of Whitleyism is a readiness on both sides to make the machinery of joint discussion work, to aim at reaching the best possible settlements amicably and to the satisfaction of both sides.

The system of Whitley Councils has been in existence in the Civil Service of the United Kingdom since 1919 and in the opinion of civil service trade union leaders, senior Treasury officials and all Departmental heads the system has proved a success in spite of its acknowledged faults. It is a system which has grown naturally out of the particular needs of the Service and although it has been successful among large groups of clerical, post office and other workers of a similar type, it does not necessarily follow that it can easily be transplanted to undertakings of a widely different character and make-up.

It is a well-known fact that attitudes to trade unionism have changed considerably during the twentieth century.

*Text of the public lecture delivered on August 16, 1960. Shri S. Lall, I.C.S. (retd.), Chairman, Damodar Valley Corporation, presided. Mr. Cooper is acting Labour Adviser, U.K. High Commission in India.

Before the war of 1914-18 trade unionism in the United Kingdom Civil Service was frowned upon and those who engaged in trade union activities were liable to incur official displeasure. A grievance could only be brought to the notice of the Treasury through the Departmental head and he could use his discretion as to whether it was sent forward or not. Even if it went forward he could easily add a note which might prevent it receiving serious attention. The only other method of airing a grievance was by Parliamentary questions and this involved a considerable amount of trouble and seldom produced satisfactory results.

In 1916 the Government set up a committee under the chairmanship of the Rt. Hon. J.H. Whitley, then M.P. for Halifax and later Speaker of the House of Commons, "to make and consider suggestions for securing a permanent improvement in the relations between employers and workmen". Primarily this committee had been set up because relations between employers and workers throughout the country and particularly on Clydeside were causing considerable anxiety. Its first report dealt with "the problem of establishing permanently improved relations between employer and employed in the main industries of the country, in which organisations representatives of both sides were in existence" and recommended the setting up of Joint (National) Industrial Councils, District Councils and Works Committees.

A second report (in October, 1917) dealt with industries in which co-operation between employers and employed had not yet been fully established. This report also contained a reference to state and municipal authorities and recommended "that such authorities and their workpeople should take into consideration the proposals made in this and our first report with a view to determining how far such proposals can suitably be adopted in their case". Now this was the part of the report which most interested the staff associations of the Civil Service. It was welcomed with enthusiasm because the recommendations went further than a satisfaction of the hope for general recognition, it provided

the possibility of direct dealings with the Treasury (Finance Ministry).

By 1918 the Cabinet had decided to adopt in principle the application of the Whitley Report with any necessary adaptations to Government establishments "where the conditions were sufficiently analogous to those existing in outside industries". However, the Committee who prepared the draft scheme for the application of the Whitley report to the administrative departments drew attention to the difference between state and private employment and proposed that Whitley Councils "should be purely consultative and should not be invested with any executive powers". The Government accepted these proposals in March 1919 and at a meeting which was attended in person by the Chancellor of the Exchequer (Mr. Austen Chamberlain) informed the staff associations of their readiness to adopt the plan for consultative councils. The spokesman of the staff in his reply told the Chancellor they could not accept a dictated constitution. They were ready to co-operate on equal but not inferior terms. Moreover they wanted Whitley, the whole of Whitley, and nothing but Whitley. In this the staff associations were eventually successful. Following this meeting a provisional joint committee appointed to work out a modified constitution quickly produced an agreed report which was accepted. There was to be equal representation of the two sides (the 'Official Side' and the 'Staff Side'). The Chairman was to be a member of the Official Side, the Vice-Chairman a member of the Staff Side. But still no voting—and this persists until the present day, "the decisions of the Council shall be arrived at by agreement". All the difficulties of ministerial responsibility and parliamentary control were swept aside into the simple provision that decisions of the National Whitley Council "shall be reported to the Cabinet and shall thereupon become operative".

This was not of course the point of complete achievement but it was the starting point and here I propose to leave the subject of the historical development in order to deal for a moment with some of the early difficulties. The objects of Whitleyism were far reaching, and neither the

Staff nor the Official Side were ready for some of them. In 1919 the staff were much more concerned with the provision of "machinery for dealing with grievances" than they were with co-operation to "increase efficiency in the public service". For that their early history and treatment was probably responsible. The staff's formidable complaints about their terms of service, combined with the Treasury's apparent reluctance to seek staff co-operation in matters of efficiency, resulted in uneven development in which all the emphasis was placed on providing machinery for dealing with grievances and no attention was paid to the other provisions in the constitution. The Official Side had some responsibility for this because in the early years they rarely contributed items for the agenda of the joint meetings, whilst in the eyes of the staff the Whitley Council was an instrument for ventilating their accumulated grievances of many years and its purpose was to provide the machinery under which collective bargaining could take place.

OFFICIAL SIDE MEMBERSHIP

The Official Side of the National Whitley Council was originally appointed by the Cabinet, but nowadays vacancies are filled by the Treasury. Members are not appointed for any specified term of office and continue to serve until they resign or retire. The National Official Side does not meet regularly as such, and is not nowadays automatically informed of all business transacted in Committees of the Council.

Five out of the six Chairmen of the National Council since 1919 have been Treasury officers; the other was Permanent Secretary to the Ministry of Labour. At least one of the Official Side Secretaries has always been a Treasury officer: nowadays only one Official Side Secretary is appointed. For the rest, the National Official Side consists mainly of Heads of Departments, with a few Deputy Heads and Treasury officers of lower rank; except for the Treasury and Ministry of Labour representatives, members are appointed in a personal capacity. Although regard is paid to the

desirability of securing a proper balance of departmental representation, a member who took up a different Civil Service appointment would not necessarily resign. Members of the National Official Side are now invariably serving civil servants. From 1922 till 1930 the Official Side included three Members of Parliament (Government supporters), but this practice was dropped on the recommendation of the Royal Commission on the Civil Service 1929-31.

A departmental Official Side consists normally of serving civil servants of senior rank in the Department concerned, including its Establishment Officer; the Chairman is usually though not invariably the Head of the Department, and the Secretary usually a member of the Establishment Division. The power to add a Treasury representative to a departmental Official Side is not nowadays used.

STAFF SIDE MEMBERSHIP AND ORGANISATION

The Staff Side of the National Whitley Council was originally appointed by the major groups of staff associations as they existed in 1919, and this method of appointment was embodied in the constitution. But staff groupings have changed and the composition of the National Staff Side has changed correspondingly; there have been secessions from it (notably the secession of four of the higher grade associations when they disapproved of action taken by the Staff Side during the general strike of 1926) and returns to it (including the return of three of the four associations just mentioned). From the outset, the Staff Side itself has been responsible for the filling of its vacancies, and for deciding from time to time the number of seats to be given to the different associations represented on it, members are appointed annually, and usually a substantial proportion of them are full-time staff association officials and the rest civil servants. Occasionally, staff association officials who have become Members of Parliament have sat on the Staff Side; there is nothing in the constitution to prevent this, although as Parliament may be regarded as the ultimate employer of civil servants these Staff Side members have a "dual capacity" of a potentially awkward kind.

The National Staff Side meets regularly at least once a month, and has its own constitution and standing orders. It has its own offices, a small full-time staff, and a monthly journal, 'The Whitley Bulletin'.

A departmental Staff Side is appointed in the first place by the associations represented in the Department, which are called together for the purpose by the Head of the Department and like the National Staff Side it fills its own vacancies and decides how many seats are to be held from time to time by the different associations. Members are normally civil servants in the Department in question, but occasionally they include full-time staff association officials. The model constitution provides that an association which has members outside as well as inside the Department must choose either civil servants or its own full-time officials as its representatives. An association with membership confined to one Department is not similarly limited in its choice by the model constitution, and might in theory choose anyone as its representative. It is informally accepted by the two Sides of the National Council however that the limitation must be read as applying to departmental associations as well as to others.

A conference of departmental Staff Side representatives convened by the National Staff Side in 1926 recommended that associations not recognised by or affiliated to the National Staff Side should not be represented on departmental Staff Sides; but this recommendation has not been adopted in all Departments.

PROCEDURE

An Official Side representative is in the chair at all Whitley Council or Committee meetings; if the Chairman is absent, another Official Side representative takes his place, and to that extent the term "Vice-Chairman" applied to the Staff Side leader is misleading.

Questions discussed by Whitley Councils or Committees are not settled by vote; each Side speaks formally as a whole (though considerable latitude for the expression of individual

opinion is allowed at informal meetings); and if the two Sides disagree, a decision cannot in the last resort be reached within the Whitley machine.

Minutes are normally drafted by the Official Side Secretary, but must be agreed by both Sides, or their representatives, before they are acted upon.

The National Whitley Council has not adopted any standing orders or rules of procedure. Nowadays the full Council does not meet regularly once a quarter as the constitution provides; in fact, the Council has met only very infrequently since war broke out in 1939. Its business is transacted by Committees, flexibly and more or less informally or between individuals representing the two Sides. The members of the Committees may or may not be members of the Council itself. During the war two standing Committees, Committee A and Committee B, were set up for day-to-day business, divided between them as seemed convenient from time to time; they had no formal terms of reference. These Committees were small, and on the Official Side they usually consisted entirely of Treasury officers. The transaction of Whitley business by Committees or between individuals went on so effectively and harmoniously throughout the war and the years that followed that it seems likely to continue indefinitely to be the normal way of doing National Whitley Council business. *Ad hoc* Committees have dealt with such matters as the post-war structure of the Service, training, superannuation, Foreign Service allowances, equal pay, and the implementation of the recommendations of the Royal Commission on the Civil Service 1953-55 (the Priestley Commission). Grade Committees do not now exist.

The formality of departmental Whitley procedure varies considerably from Department to Department. Most Departments abandoned regular meetings of their full Councils during the war, and although some resumed them afterwards, Committee procedure is probably more usual at the present time. Most of the larger Departments have regional, local or office Committees covering their staffs in particular towns or offices, for the discussion of purely

domestic matters; these Committees may or may not be required to report all their proceedings to the main Departmental Whitley Council or to one of its Committees for ratification.

SCOPE OF WHITLEY DISCUSSION

"The scope of the Council shall comprise all matters which affect the conditions of service of the staffs." This means just what it says. "The staff" are all civil servants who are non-industrial, *i.e.*, not covered by the joint bodies for the Government industrial establishments.

It was not until 1956 that the representative capacity of the National Whitley Council was again discussed between the Official and Staff Sides of the Council. This was in connection with the implementation of the recommendations of the Royal Commission on the Civil Service, 1953-55 (the Priestley Commission). The formal position was then reaffirmed, *i.e.*, that the Council is competent to discuss all matters, within its scope affecting all grades of civil servants, though, on pay and one or two other subjects, it is expedient to exclude the very highest grades. There is, however, still a salary limit for arbitration purposes.

But in giving evidence before the Royal Commission on the Civil Service, 1953-55, both Staff Side and official witnesses were agreed on the need for some form of machinery for independent review of the remuneration of staff above the arbitrable limit. The Royal Commission endorsed this view and recommended the appointment of a Standing Advisory Committee to exercise a general oversight of the remuneration of the higher Civil Service (defined as "all staffs whose maximum salary or whose fixed rate exceeds the maximum of the Principal"—at present £2,000, national rate). They proposed that the Committee should be appointed by the Prime Minister after informal consultation with staff interests; and that it should be composed of people chosen to reflect a cross section of informed opinion in the country at large. The Government accepted this recommendation, and in 1957 the Prime Minister appointed

the Standing Advisory Committee on Salaries of the Higher Civil Service (the Coleraine Committee), under the chairmanship of Lord Coleraine.

ARBITRATION

At this stage I should like to discuss for a moment the subject of arbitration. It is universally accepted that no Government is likely to waive its right to decide what is required in the public interest and this of course has always been accepted in Whitleyism. When however the Government is employer and executive as well as the party in power, it must be careful how it uses this overriding power. In the Civil Service of the United Kingdom there has always been a strong tradition against the use of the ultimate industrial weapon, the strike, and where persuasion and argument only prevail there is a strong case for an umpire. This fact was acknowledged by an agreement to set up the Civil Service Arbitration Tribunal nearly thirty-five years ago. Arbitration on those three very important conditions of service—pay, hours of work and leave—is compulsory, and all cases of disagreement on any of these three subjects may be referred to the Tribunal by either side of National Whitley Council. The Tribunal consists of an independent chairman, with one member drawn from a panel representing the Chancellor of the Exchequer and another member drawn from a panel representing Staff Side of the National Whitley Council.

STRENGTH AND WEAKNESS OF WHITLEYISM

The great strength of Whitleyism in the Civil Service is that of an idea; the idea of bringing together the *Whole* Civil Service, or the *Whole* staff of a Department, of promoting on each Whitley body a single viewpoint and spirit, and of giving to civil servants a voice in the management of their profession as a whole. Even in small local units where there are not many domestic questions to discuss and where the "Staff Side" may consist of one association only, the Whitley idea has been sought after; and the Royal Commission, 1929-31, emphatically rejected the suggestion of separate

National Whitley Councils for different sections of the Civil Service. The procedure of negotiation with particular staff associations had not achieved the broader aim of Whitleyism, and could never achieve it.

Has Whitleyism achieved it? To a large extent it undoubtedly has; frank and friendly discussions have taken place and unchallenged agreements have been reached, on some of the wider issues affecting Civil Service employment. The volume of Whitley discussion is greater today than ever before, and very few decisions affecting the conditions of employment of the Civil Service are nowadays taken without passing through the Whitley area.

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The following are given as appendices:

- Appendix "A" Constitution of the National Whitley Council
- „ "B" Model Constitution for a Departmental Whitley Council
- „ "C" Civil Service Arbitration Tribunal—Rules of Procedure.
- „ "D" Civil Service Arbitration Agreement.



STAFF ASSOCIATIONS IN THE U.K.*

E. H. Cooper

A civil servant is free to be a member of any association or trade union which will admit him under its rules of membership. Civil servants are, moreover, encouraged (*e.g.*, in the 'Handbook for the New Civil Servant', issued by the Treasury to new recruits) to belong to associations, for the existence of fully representative associations not only promotes good staff relations but is essential to effective negotiations on conditions of service.

With a few exceptions, Civil Service staff associations cater for particular grades or classes, for the obvious reason that members of grades and classes have greater common interests than other groups of civil servants.

Some staff associations are quite small, *e.g.*, departmental associations catering for a single grade or class in a particular Department. At the other end of the scale are the very large associations—the Civil Service Clerical Association with a membership in 1957 of 141,696, the Union of Post Office Workers, with a membership of 165,438, in Post Office manipulative grades, and several with five-figure memberships (*e.g.*, the Institution of Professional Civil Servants, the Society of Civil Servants, the Civil Service Union, the Federation of Civil Service Professional and Technical Staffs, and two or three departmental associations). The Civil Service Clerical Association is part of the Civil Service Alliance, a federation whose other members are the Inland Revenue Staff Federation, the Ministry of Labour Staff Association, and the County Court Officers' Association.

Besides these, there are a few associations organised on a wider basis than grade or class, *e.g.*, the National

*Text of the public lecture delivered on August 17, 1960. Shri V.K.R. Menon, I.C.S. (retd.), Director, I.L.O., India Branch, presided.

Association of Women Civil Servants dealing with women's questions as such and having also a grade interest.

Staff associations are supported by the subscriptions of their members, which vary in amount according to the size of the association and the extent of its activities rather than according to the pay of the grades concerned. Nearly all the large associations employ their own full-time staff, who may or may not have been civil servants previously. Many associations publish their own journals.

A distinction must be drawn between those associations which have and those which have not the right to negotiate with the employing authority on behalf of their members or sections of their members. Those which have a right to negotiate are known as recognised associations: the term has the same significance throughout the sphere of trade union affairs and implies that the association is accepted by the employing authority as a responsible body fully representative of a given category of staff.

Recognition is a formal act and gives the association certain definite rights—the right to be brought into consultation by the employing authority on proposals affecting the category of staff for which the recognition is granted, the right to be a party to any formal agreements made on their conditions of service, and the right to go to arbitration, *i.e.*, to the Civil Service Arbitration Tribunal, when agreement cannot be reached on any matter. It also involves the association in responsibilities to the extent to which, in the exercise of these rights, it makes itself a party to agreements and understandings.

National recognition is granted by the Treasury, and enables an association to take part in discussions, negotiations, agreements and arbitrations which affect staff in more than one Department and in which the role of employer is taken by the Treasury. Departmental recognition is granted by a Department in respect of staff in that Department alone. For example, the pay of a general Service grade would be negotiated nationally between the Treasury and a nationally recognised association, whereas the pay of a departmental

grade serving entirely in one Department would be negotiated by that Department with a departmentally recognised association. Recognition, whether national or departmental, covers only matters which are:

- (a) within the competence of the recognising authority to settle with or without reference to higher authority, and
- (b) domestic to the group in respect of which recognition is granted. It will be seen that in some cases there is joint recognition. This means that no single association is regarded as adequately representative of the group of staff in question to the exclusion of the others in the field, but that two or more associations between them are so regarded. Matters affecting the group are discussed with both or all of the jointly-recognised associations, either jointly or separately as may be found convenient, and written agreements are signed by both or all. Arbitration, however, is regarded as open to each of the jointly-recognised associations in its own right, *i.e.*, one of the jointly-recognised associations may go to arbitration on an issue already agreed by the other(s).

To secure recognition, an association must show that it is representative of the category of staff concerned. In the non-industrial Civil Service generally, recognition depends solely on numerical strength. The Treasury has never announced any precise percentages which would establish a claim to national recognition or raise the question of withdrawing national recognition, and considers each claim on the merits of the representational capacity of the association concerned as measured by its numerical strength. Where, however, there are conflicting claims, actual or potential, steps are taken to ascertain fully paid-up membership figures before recognition is granted; if necessary, an association may be asked to allow its membership records to be inspected.

As membership figures alone determine recognition in the non-industrial Civil Service generally, the nationally recognised association for a particular grade is not necessarily the right choice for departmental recognition for that grade: if another association has a larger membership in the grade in a particular Department, it has the better claim so far as that Department is concerned. (There is no question of requiring Treasury approval for the departmental recognition of an association.) In practice the departmentally recognised associations for general Service grades do not differ very much from the nationally recognised associations. And it has been agreed between the Official and Staff Sides of the National Whitley Council that any Department in which a question arises on the interpretation of a national agreement should in general consult departmental representatives of the nationally recognised association, as well as any other association which is departmentally recognised for the grade or grades concerned.

Recognition may be withdrawn if membership figures change. Usually the initiative in claiming withdrawal is taken by a rival association, though there is no rule to prevent the recognising Department from taking the initiative itself if the facts seem to justify that course. Before withdrawing recognition at the request of a rival association, the membership of both associations may if necessary be checked by an inspection of membership records.

There is no necessary connection between recognition and Whitley Council membership, although in practice the two things are nearly always enjoyed by the same associations. Membership of the Staff Side of a Whitley Council is granted by the vote of the Staff Associations themselves: recognition, as stated above, by the employing authority, which (in the non-industrial Civil Service generally) takes account of the Association's numerical strength only and not of its Whitley status. The Association of First Division Civil Servants for example has long been nationally recognised for the administrative class but for some years was not represented on the Staff Side of the National Whitley Council. Conversely, the Staff Side of the National Whitley

Council includes several departmental associations which are not nationally recognised: and departmental Staff Sides have now and then included associations which had not been officially recognised at all. (Note: the original initiative in setting up a Whitley Council is taken by the employing authority, which does so by summoning a meeting of staff association representatives; it would be natural and logical to confine such a meeting to recognised associations, in which case presumably recognised associations only could be represented on the Staff Side as first constituted, but thereafter the filling of vacancies would be left entirely to the Staff Side itself.)

Recognised associations are older than Whitley Councils, and "Whitleyism superseded nothing". When Whitley Councils were introduced into the Civil Service, a pledge was given by the Government of the day that recognised associations would continue to have the right of direct consultation, outside the Councils, on matters affecting their members alone; and a substantial proportion of the present-day negotiation of Civil Service conditions of service is done by direct discussion with associations and not by Whitley machinery. The decision whether a particular claim affecting only a section of the staff should be handled by one method or the other rests purely on convenience and practice, and not on any principle. Cases about individual civil servants are usually handled by the Association method and not by the Whitley method.

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Any Staff Association, however small, and whether recognised or not, is free to make representations to the Government. An unrecognised association, however, has no prescriptive right of receiving a reply, beyond an acknowledgement to any representation it may see fit to make. In dealing with letters from unrecognised associations which involve matters of general principle Departments are expected to bear in mind that they and the recognised associations share the responsibility for agreements that have been concluded through Whitley machinery or otherwise; to be careful not to enter into

arguments, explanation or justification with an unrecognised association, especially where it is in obvious rivalry with a recognised one, on any matter which is the subject of an agreement or negotiations with a recognised association or Staff Side; and above all, to refrain from invoking as an answer to complaints by unrecognised associations the existence of an agreement with a recognised association or a Staff Side and implying that that Association or Staff Side is responsible for any defects in the agreement—since an agreement is the equal responsibility of both parties to it.

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Civil Service Staff Associations may, if they choose, apply to the Chief Registrar of Friendly Societies for registration as Trade Unions. Registration gives certain advantages, mostly relating to the holding of property, management of association funds and income tax liability, but it should not in any way affect the attitude of Departments, as employers of staff, towards an association.

As regards affiliation to the Trades Union Congress or to political parties, there is nothing to prevent Civil Service Staff Associations affiliating to the T.U.C. or any political party.

CIVIL SERVICE PAY RESEARCH UNIT

The story of staff relations in the Civil Service of Britain would not be complete without a word on the Civil Service Pay Research Unit. The Unit owes its existence in the first place to the Royal Commission on the Civil Service which reported in 1955. In their Report the Royal Commission referred to the reasons why it is necessary to have general principles governing Civil Service pay, and stated that the end to be served might be stated as "the maintenance of a Civil Service recognised as efficient and staffed by members whose remuneration and conditions of service are thought fair both by themselves and by the community they serve".

The Royal Commission reviewed earlier attempts to define appropriate principles, and formulated their own view that the primary principle should be "fair comparison with the current remuneration of outside staffs employed on

broadly comparable work, taking account of differences in other conditions of service"; and that internal relativities should be used to supplement this primary principle.

In order to give effect to the primary principle, the Royal Commission recommended that the task of finding the facts on which comparisons might be based should not be undertaken by the interested parties to negotiations, but should be divorced from the process of negotiation and assigned to a special body which would command the confidence of Departments on the one hand and staff associations on the other.

Terms of Reference

The Unit's terms of reference are defined in the National Whitley Council statement as follows :

"(a) Fact-finding as defined by the Royal Commission involved two processes:

- (i) establishing job comparability, due allowance being made for difference in grading structure:
- (ii) The discovery of the pay and conditions of service that attach to jobs regarded as comparable.

(b) The Unit will undertake these two processes in relation to grades or classes referred to it by the Steering Committee, and within the scope of the National Whitley Council. So far as part (ii) is concerned, the term 'conditions of service' will be interpreted widely so as to cover not only such matters as hours and leave but also such questions as superannuation, luncheon vouchers, assisted travel, house purchase facilities, car allowances and other additions to basic pay and conditions.

(c) Fields of relevant comparisons may be suggested only by either side of the Committee or by the Director of the Unit."

Programming

Each year the Steering Committee draws up a programme of work for the Unit. Departments are invited by the Official Side and associations by the Staff Side to put forward proposals. After joint discussions, an agreed list, in priority order, is put to the Director of the Unit to advise on whether an inquiry would not be useful for any particular item and how many items are needed to provide roughly a year's work.

Learning the Civil Service Job

The first task in beginning a survey is to get a close appreciation of the Civil Service grade or grades in question. The interested parties supply the Unit in the early stages with written information about the work of the grades and the numbers and distribution of the staff concerned. It is useful to be able to discuss with both sides at the outset the most useful places to visit in order to learn at first hand about the work. In dealing with a large grade it is particularly important that early consideration should be given to determining what shall constitute the field of study of the Civil Service job.

Selection of Firms for Survey


The selection of fields of comparison is a subject in which the negotiating parties have a major interest. It will be noted from the Unit's terms of reference that fields of relevant comparison may be suggested only by either side of the Steering Committee or by the Director of the Unit. In practice there are usually discussions between the three parties before the final field of survey is settled.

Technical and Professional Work

From the outset it was recognised that technical and professional work within the Service was likely to present a special problem. This problem was dealt with by the appointment *ad hoc* of Technical Advisers to assist the staff of the Unit.

Work Undertaken

From its beginning, in the autumn of 1956, until the end of 1959, the Unit rendered 35 reports on Civil Service grades or classes, ranging from quite small volumes of a few dozen pages in the smallest cases up to more than a thousand pages in the largest—these latter cases covering the main classes of civil servants.



STAFF ASSOCIATIONS AND STAFF COUNCILS IN INDIA*

B. Shiva Rao

I am speaking to you today on the Staff Associations and Staff Councils in India. I think I owe you first of all a word of explanation, if not a word of apology, on my coming forward to speak to you on this subject. After the two very informative talks that we had yesterday and the day before from Mr. Cooper, the acting Labour Adviser to the United Kingdom High Commission, a man obviously competent to speak on the two topics he did during these two days, I feel more diffident than ever in speaking to you on staff councils in India.

When the question of having a series of talks on these topics was considered, it was easy enough to choose Mr. Cooper for the first two topics. For the third, the one with which I am to deal this afternoon, it was not so easy, because if it had been a senior official from the Government, or, on the other hand, some one from the staff side, the point of view presented here might have seemed partisan, if not one-sided. And the fact that I do not belong to either side is in one sense an advantage. And when I accepted, rather in a rash moment, that I should do this job, I was hoping that I would be able to supplement such little information as I was able to gather as a Member of Parliament with information from either the staff side of the councils or from official sources. I have been somewhat disappointed in this expectation; and therefore please do not expect from

*Text of the public lecture delivered on August 18, 1960. Dr. P. Subbarayan, Minister for Transport and Communications, Government of India, presided.

Shri Shiva Rao is an eminent journalist. He was actively associated with Indian Trade Union movement during 1919-1934; was Member of Constituent Assembly (1946); Member of Lok Sabha, 1952-57; and Member of Rajya Sabha, 1957-60.

me a very full and informative talk of the kind that you had during the last two days.

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I shall first deal with staff councils or staff committees as they were first called. I was till now under the impression that it was my correspondence with the Prime Minister in August 1957 that led to the establishment of staff councils. That illusion was knocked out of me when I went deeper into this subject for the purpose of this talk.

It was the first Pay Commission, presided over by Justice Varadachariar in 1946, which was authorised by its terms of reference to consider, among other things, the machinery for negotiating and settling questions relating to conditions of service which may arise out of differences between the Government and its employees. That actually was the first term of reference of the Varadachariar Pay Commission in 1946. When it made its report in the following year, the Commission indicated its general approach to this problem in the following passage:

“Government must recognise the importance of convincing its employees that representations and grievances of the latter will receive due and immediate consideration. We lay particular stress on this point, because the evidence before us disclosed absolute distrust, not to say despair on the part of most grades of public servants as to their ever receiving a fair response from Government to their representations.”

This, may I point out, is very strong language; and the Chairman was a Judge of the Federal Court, accustomed to weigh his words before using them; and this was written in 1947, when we achieved independence. And I must say that there has been in these 13 years no change for the better in the situation. I have had, during my time as a Member of Parliament, several representations made to me by different grades of civil servants in the Secretariat. And I know from personal experience that there has been a steady and even considerable deterioration in the situation as described in 1947 by the first Pay Commission. Expectations

were naturally stimulated by the concept, frequently dealt with by the Prime Minister and his colleagues, of a Welfare State and all its implications. But among Government employees generally, the sense of frustration has increased during these 13 years; and it has been accentuated by a steady rise in the cost of living. The first Pay Commission did not limit its observations only to an analysis of the problem; it made some far-reaching and constructive suggestions and it said,—this is a somewhat lengthy passage, but I think it is worth quoting here,—

“Every effort must be made to secure co-operation, consultation, discussion and negotiation between the staff and the Government. This can be best achieved if some machinery is kept in constant operation through frequent meetings. A state of harmony can result only from the constant association of representatives of both sides in an interchange of views and suggestions so that discussions even over contested matters may result in friendly compromise. Both sides must meet on terms which enable free discussion to take place. The rank and file of Government servants should feel that questions affecting them are being looked after in an orderly way through discussion between their representatives and senior officials; and even when the officials are not able to agree with the staff representatives, they will do well to explain the reasons why.”

That was the recommendation of the first Pay Commission in 1947, and I have quoted that passage in full because of the clear recommendation it made on the issue of negotiating machinery. And the Commission went further; it enunciated four main principles based on what it called practical as well as authoritative opinion. What were those four principles?

- (a) In the adjustment of differences between the State and its employees, the best course is to prevent such differences developing into a dispute;

- (b) Even when a question has developed into a dispute, it is desirable to secure its settlement by negotiation between the two sides;
- (c) If, however, it becomes necessary to secure outside help it must rather be for the purpose of mediation and consultation than for adjudication; and finally
- (d) If all attempts at consultation fail, adjudication should be sought by voluntary settlement rather than by compulsory reference.

As you will see, these were very clear and detailed recommendations not only on basic principles but in regard to the detailed application of those principles. And what was the response of the Government? The report was made in 1947. For seven years, the Government took absolutely no action on these vital recommendations of the first Pay Commission; and the reason given was that changes in the structure of the civil service were pending in 1947 and, therefore, the introduction of machinery on the lines of Whitley Councils was premature. In 1954, I do not know what prompted the Home Ministry to pick up a dusty file seven years old; but it began to move very cautiously in the matter. It sent round a circular in July 1954 urging all the Ministries to establish staff committees. According to that circular such committees, "more or less on the lines of the Whitley Councils", were already functioning in the various divisions of two Ministries—the Ministry of Finance and the Ministry of Works, Housing and Supply.

Now, on what grounds that comparison with the Whitley Councils was made is not clear to me. There has been no assessment made, so far as I am aware, of the achievements of the two staff committees during the seven years of their existence in the Ministries of Works, Housing and Supply and Finance. If a report was made, I am not aware of its existence. On what grounds, therefore, that claim was made I do not know. But on the basis of the experience gained in these two Ministries, the question was considered in 1954 of extending the scheme to all Ministries including attached offices and subordinate offices.

And then that circular went into great details as to how it was to be done. There were to be two separate staff committees in each Ministry and attached offices. If a Ministry had more than one Division, like the Finance Ministry, there were to be two committees each for every Division. One Committee was to be in respect of staff other than Class IV while the other to deal with Class IV employees. Staff representatives were to be elected while the Government representatives were to be nominated by the Government. And then there were model instructions issued, a copy of which I have also seen. The constitution of these staff committees and these model instructions, I am told, were approved by the Cabinet before their circulation to all Ministries. The circular ended up by asking the various Ministries for reports as to the action taken by the end of August 1954. I do not know if any reports were made on the progress made by the different Ministries, or whether the Home Ministry sent a circular about the submission of such reports.

The purpose of the staff committees—I am quoting from the circular—was to secure the greatest measure of co-operation between the Government and its employees and increase efficiency in the public service combined with the welfare of Government employees. As far as I can remember this language has been reproduced entirely almost from the constitution of the Whitley Councils. The only difference, but it is a vital difference, is that these staff committees were to be advisory bodies—authorised, nevertheless, to consider all matters relating to : (1) the conditions under which the members of the staff were required to work; (2) the general principles regarding conditions of service; (3) the welfare of the members of the staff; and (4) improvement of efficiency and standards of work. The only reservation made was—and that too I believe was taken from the Whitley Council system in England—that no discussion of individual cases was to be taken up.

As regards the constitution of these staff committees, again they followed more or less the pattern of the Whitley Councils. The Secretary or the Joint Secretary of the

Ministry was to be Chairman. The representation of the staff side was to be on the basis of one for every twenty from different grades. I said earlier that the existence of these staff councils was unknown to me; their existence was not known even to the Prime Minister, because in August 1957, when there was a threat of a strike in the P & T Department, I wrote a letter to the Prime Minister inviting his attention to the need for negotiating machinery on the lines suggested by the first Pay Commission. At that time the second Pay Commission was sitting and I, therefore, suggested in my letter to him the desirability of expanding, if possible, the terms of reference of the second Pay Commission to include this vital point.

The Prime Minister's reply to me was significant, both for what it said and for what it omitted to say. He was in favour of immediate action on the lines that I had indicated in my letter, even without reference to the second Pay Commission, because he said such a reference might result in delaying action. A fair inference to be drawn from the Prime Minister's reply to me was that some machinery analogous to the Whitley Councils would be established in the almost immediate future. Where this intention was resisted and finally killed I do not know; but the action taken was extremely meagre and very disappointing. The only thing that the Home Ministry did was to alter the name of staff committees to staff councils. Nothing else was changed. The objects, the constitution, the rules of procedure and the tempo at which they were functioning remained just the same. The only innovation was the appointment of welfare officers attached to each Ministry with duties and functions defined elaborately as in Britain. I will not trouble you with all the details of the functions of welfare officers; but they included the organization of social activities, clubs, recreation centres, provision of facilities for indoor and outdoor sports, provision of canteens in Government offices, improvement in working conditions, including hygienic conditions, assistance to Government employees in regard to the contributory health scheme, assistance also in relation to transport, housing, education of children,

assistance in relation to pensions, gratuity, benevolent funds. In fact, the functions could not have been defined more comprehensively. But what precisely welfare officers have been able to achieve since they were appointed, I have not yet been able to ascertain. I am not aware of any report on the work of the staff councils and the welfare officers. I tried several times when I was in Parliament to get information on this point and when I accepted invitation to speak here, I went to the Secretariat to see if I could get some information, some report on the work of the staff councils and the welfare officers, and I have had no success.

As I said earlier, the Prime Minister's letter was significant, not only for what it said but for what it omitted to say. There was no reference in his reply to me to the work of staff committees. If there were any positive achievements to their credit, during the three years that they were supposed to exist, one may be certain that the Prime Minister would have been briefed by his secretariat to make a reference to them in his reply to me.

As I was a Member of Parliament at that time, several months after the constitution of these staff councils—I think they had come into existence by October 1957—I asked a question in the Rajya Sabha, at the end of April 1958, about the objects and the functions of these staff councils, their composition, the number of meetings held, the recommendations made, the decisions taken thereon and other relevant details. The Home Minister's reply to that question in April 1958 was a bald general statement on the objects and the composition of the staff councils. Regarding the recommendations made and the decisions taken by the Government during the eight months of their existence, I was told "information is being collected and will be laid on the table of the House when received". That was in April 1958. Eight months later, at the end of 1958, I repeated my question, and what was the information given to me then? Staff council meetings were being held generally once a quarter, said the Home Minister in his reply, though in some Ministries there were more frequent meetings than in others. The information regarding the recommendations

and Government's action thereon was still being collected in December 1958, and I have a feeling that in August 1960 the process is still continuing. But I have no reason to complain of discriminatory treatment in this matter; because even the Pay Commission said in its report that it could not get any information as to the achievements to the credit of the staff councils.

Being a somewhat persistent individual, I waited for a whole year; and then towards the end of 1959, I repeated my question for the third time, and asked for a statement on the recommendations that had been actually implemented by the Government. This time a very bulky tabular statement was placed on the table of the House. I have a copy of it with me here, mentioning the number of meetings held, the recommendations made, both those accepted and those implemented, separately, by senior staff councils and by junior staff councils.

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I will not weary you with all the details in that statement; but I will give you some significant facts.

The total number of senior staff council meetings in all the Ministries taken together, from the time of their establishment to the end of 1958 was 205. They made 763 recommendations, of which 604 were accepted by the Government and 558 were implemented.

In regard to junior staff councils, there were 141 meetings. The number of recommendations made was 447, of which 393 were accepted by the Government and they were implemented in 372 cases.

Now, these numbers sound very impressive. Only 46 out of 604 accepted recommendations were not implemented on the senior staff council's side and only 75 of 447 were not implemented on the side of the junior staff councils.

As regards the various Ministries, in the Home Ministry, the sponsor of the whole scheme, there were 26 meetings. 103 recommendations were made, 63 were accepted and all of them were implemented. In the Health Ministry, 73

recommendations were made of which 62 were accepted and all were implemented. That was the tabular statement placed on the table of the Rajya Sabha. The practice, judging from this statement, varied as between the different Ministries. Taking all the branches of the Finance Ministry, there were 22 meetings of the senior staff councils; 85 recommendations were made: 74 were accepted and 71 implemented. Food and Agriculture Ministry also did well. It had 22 meetings which made 154 recommendations: 115 were accepted and 106 implemented. At the bottom of the table comes the Defence Ministry. The senior staff council held 15 meetings, made only three recommendations, but none was accepted or implemented.

I will make a very brief reference to staff associations and staff federations at this point. I will not go further into the matter because the Pay Commission has made very detailed references to these associations and federations in its report. As you will see from the list of witnesses who appeared before the second Pay Commission, mentioned on pages 625 and 626 of its report, there are a number of service associations or unions of employees in the Railways, the Posts and Telegraphs, including Civil Aviation, though they have their own separate associations and of civilian employees in the Ministry of Defence, the various Government of India presses, and so on.

I will also not go into the details of the arrangements between the different Ministries and their employees' associations for the settlement of matters in dispute. These too have been dealt with in detail in a chapter in the report of the second Pay Commission on arrangements for negotiations and the settlement of disputes. It is sufficient for my purpose to point out that staff relations have been dealt with by the Railways for at least 35 years through periodical meetings between the Railway Board's representatives and those of the railway workers. In 1951, the Railway Board established a permanent negotiating machinery whose working was reviewed in somewhat liberal terms in a circular issued by the Railway Board in 1958. More or less similar arrangements exist in the P & T Department. Recently,

when a Board was formed by the P & T Department, I took the opportunity of writing to the Chairman of today's meeting, who is the Minister-in-charge of the subject, that he should have in the new Board a member separately for dealing with problems of personnel. He replied that that was very much in his mind and while he did not accept the suggestion of a separate member, he assured me that personnel problems would receive very definite consideration. Since then a separate member for personnel matters has been appointed. There are periodical meetings between the Director-General and the representatives of the National Federation of P & T Employees and I believe the Minister can be approached by the National Federation though not, naturally, as frequently as the Director-General. But the point to which I would like to draw your attention is a remark of the Pay Commission that industrial employees of the Government are covered both by the Trade Union Act of 1926 and the Industrial Disputes Act of 1947. No distinction is made between Government employees and other kinds of employees in regard to these two matters. I would also like to invite your attention to a paragraph in the report from page 459; this relates to the existing arrangements in the Ministries of Transport, Railways, Communications and Defence for advice which appear to have far more significance for the growth of a joint consultation. The arrangement at the National Federation of the Railway Board, for instance, is comparable to a departmental Whitley Council and the arrangement lower down to the regional and local committees of the departments of Government. And the arrangements at the top level in the Ministry of Defence and the P & T Department are also similar to departmental Whitley Councils.

I have referred earlier to the question I raised in the Rajya Sabha in December 1958; then, I also invited the attention of the Home Minister through a supplementary question to the effect that the Pay Commission had recorded in its report that there was general complaint about staff councils having achieved very little. I received a non-committal answer. The Home Minister said that the

Pay Commission had dealt with the question and its recommendations were under consideration. I persisted in my demand through another supplementary question to obtain some definite statement on the nature of the recommendations made by the staff councils during the period of their existence; and, in particular, I asked whether machinery analogous to the Whitley Councils in Britain was to be established in India and the provision of compulsory arbitration in the event of disputes remaining unresolved would be considered by the Government. The Home Minister declined to give any positive reply. All that he said was that "the experience of the last 13 years had shown that the non-acceptance of the first Pay Commission's recommendation in regard to the negotiating machinery has done no harm to anyone". That was the reply of the Home Minister in December 1959. However, I am in the good company with the second Pay Commission regarding the work of the staff councils. About them, the Commission has said—I am quoting a fairly lengthy paragraph from its report—:

"The evidence before us indicates that there is a great deal of dissatisfaction with the present position; the criticism of the existing machinery made on behalf of employees' organizations ranged generally on the following lines :—that the will was lacking on the part of the Government to accept 'the principles of joint consultation as an effective instrument for the prevention of disputes'; that even where the machinery was well conceived it was not being worked efficiently; that meetings were not being held regularly; that some of the officers representing the administration did not have the right attitude towards the machinery which they were supposed to work. Some of the employees' associations referred with regret to the effect that the Varadachariar Commission's recommendations in this matter had not been accepted by the Government and in proposing that the present situation required the establishment of machinery which fully in spirit and largely in form followed the Whitley

machinery in the U.K., they appeared to us to represent the general feeling amongst employees' organisations. Some of the staff associations in fact wanted a great deal more participation of the staff in management and administrative processes, including a voice in promotions and disciplinary cases. A great deal of support for permanent machinery for consultation, negotiation and settlement of disputes has come from witnesses also and there are in fact few dissentients."

That was the observation of the second Pay Commission. There is, as I have striven to point out, a wide gap between the findings of the Pay Commission and the work of the staff councils and the estimate of the Government. Out of 763 recommendations made by senior staff councils, 604 were accepted and 558 implemented and of the junior staff councils' recommendations, 447 in number, 393 were accepted and 372 implemented. A fair inference from these statistics would be that the staff councils were not only active but that they achieved substantial results. There is, as the Pay Commission has indicated in its report, a great deal of dissatisfaction with the present position, and Government employees have little faith in these staff councils. What can be the explanation for this obviously conflicting views? One is driven to the presumption that the recommendations accepted and implemented, though large in number, did not really touch the problem to which the rank and file of the staff attach importance. They dealt with comparatively trifling matters of little consequence. On the substance of the matter raised by the staff side at meetings of the staff councils, I was even less successful in Parliament in obtaining any information. The Commission's conclusion quoted earlier is intelligible only on the assumptions that: (1) the recommendations that were not accepted (only 20% were not accepted) though few in number concerned important aspects of the employees' service conditions; and (2) the recommendations accepted by the staff councils, presumably with the approval, or at least the acquiescence of the Chairman, the Secretary or the Joint Secretary of the

Ministry, even fewer in number than those in the first category,—less than 10%—were reasonable but were not implemented. Therefore, it seems to me natural that the spirit in which these staff councils have functioned, and the manner in which their recommendations have been dealt with, have left behind a feeling of deep disappointment and even frustration.

In one of my other letters—I have been writing to the Prime Minister letters frequently on this subject—I had suggested that perhaps an annual function of all the staff councils, and in fact of the entire Central Secretariat, whether they belonged to the staff councils or not, addressed by the Prime Minister would have useful reactions. I am personally a great believer in personal contacts between Ministers and those who serve them.

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I can never forget an observation made to me by Sir Stafford Cripps when I called on him in the Treasury in London on one occasion. He was a very abstemious man in his personal habits. But he said to me that he never missed, however busy he might have been, a single social function arranged by one of the numerous associations of the staff in the various ramifications of the Treasury in London. And, therefore, it seemed to me that if the Prime Minister could address once a year all the staff councils and the Secretariat employees, it might have very wholesome results. And the Prime Minister's reply—his approach in all such matters is very humane—encouraged me to think that my suggestion would be accepted, but somewhere it was squashed: because there has never been a joint meeting of the staff councils, never, except on one occasion early in January 1959,—and even that was on my suggestion and with the Prime Minister's support,—to enable Mr. Douglas Houghton, M.P., who has had life-long experience of the Whitley Councils, and who has done great deal to enlighten us on this subject through his articles in the *Hindu* and one or two other papers, to address them on the work of the Whitley Councils in Britain. I shall recall only one or two

observations that he made on that occasion. Mr. Cooper dealt with this subject fairly fully in his lecture.*

Mr. Houghton pointed out to the members of our staff councils that in 1919 the British Government had offered to the British Civil Service the setting up of joint machinery for negotiation on civil service conditions. It was to be an advisory body, just as our staff councils are at the present moment. The British Civil Service rejected that proposal outright, whereupon the Government spokesman came back with the real thing, namely Whitley Councils, with adequate jurisdiction and authority, to discuss and decide vital problems concerning the civil services.

Another point Mr. Houghton made in that address was that the Whitley machinery was originally intended to regulate employer-worker relations only in industry, as Mr. Cooper pointed out to us. But it was a civil service union which took the line, and I am quoting Mr. Houghton's own words: "What is sauce for the industrial goose is sauce for the Government gander". So this civil service union said, "let us have Whitley Councils exactly of the type that has been suggested for private industry".

There is, I believe, at the moment a good deal of discussion going on about the introduction of Whitley machinery adapted to Indian conditions. There was a letter in the *Hindu* recently pointing out that staff associations in Britain were in existence much earlier than Whitley Councils and were not superseded by them. That is a pertinent observation which was also made by Mr. Cooper yesterday. The Whitley Councils in Britain only enlarged the scope of discussion and negotiation to cover all matters affecting service conditions.

In Britain the practice has been for the Staff Side representatives on the Whitley Councils to be elected by members of the various staff associations. They decide among themselves how many are to be elected by the different associations. They first discuss the problems by themselves which later come up for decision before the Whitley

*See pp. 1-10.

Councils. It is essential in England, therefore, that staff representatives should present a common point of view and eliminate all internal differences at the first stage. A great deal of accommodation and compromise is thus essential on the Staff Side, both at the time of the elections to the Whitley Councils—because they have to decide the respective numbers to be allotted to the various staff associations—and later when they get together to discuss problems submitted to the joint machinery.

The staff associations in Britain, therefore, have realised the advantage of presenting a united front and adopt a reasonable, responsible and constructive attitude, confident that that alone will produce results.

In India the difficulty may arise, and I believe it is being discussed at the moment at a high level, namely, how can machinery of the Whitley Councils type be established without staff associations electing their own representatives? And in their absence can direct elections by Government employees be contemplated? On this question, I venture to express a personal view. I would prefer to see staff associations being started first in this country, because I take the view that provided the proposed Whitley Councils—whatever may be the name ultimately given to them—are invested with real and substantial powers, I am personally confident (because I have had a great deal of contact with Secretariat servants at different levels) that Government employees will themselves come forward to utilise these Whitley Councils in the proper way and succeed in eliminating most of their difficulties.

Here I would also emphasize another point—far more important than the structure of the new machinery is the spirit in which it will be made to work. Mr. Houghton wrote about the Whitley Council machinery in the *Hindu* in one of his articles:

“Whitleyism has been extended and strengthened in the favourable conditions of post-war Britain. A new generation of Whitley-minded Treasury and departmental establishment officers

has arrived. They have dispensed with much of the old form with Staff Side consent because formal constitutional sanction is no longer necessary to most of what is done in the name of Whitley. The new machinery of negotiation has been improvised within the structure of the old. It is more flexible and in some respects more comprehensive and is adaptable to almost every requirement."

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And I venture to think we need at the top level of our administration Whitley-minded officials, who have faith in this machinery and are determined to make a success of it. I hope I will not be misunderstood because I have many intimate friends amongst the senior officials but I would say that the absence of such men is entirely responsible for the unfavourable functioning of the staff councils up to the present moment, and it is necessary to have such men to help in creating a right atmosphere and the conditions essential for success. I took the liberty of writing to the Prime Minister recently and of suggesting to him that the services of two experienced persons of the British National Whitley Council should be obtained for a period of six months or even a year—one from the Official Side and one from the Staff Side.

To one or two points I would like to refer very briefly. I think outsiders, even Members of Parliament, should be excluded from membership of staff associations. But may I say frankly that I am not in favour of banning strikes by legislation. I would like to see an atmosphere develop in which strikes become unnecessary, because all the difficulties have been removed and disputes have been solved. For even if the new legislation comes into force, I am afraid it would not be able to create such an atmosphere. Difficulties in the initial stages, because of the lack of experience and the lack of understanding, may arise; but they must be faced and I feel they can be overcome by patience and faith.

The recent general strike was a most regrettable occurrence from every point of view. From the moment it

was declared it was the primary duty of the Government whatever mistakes might have been made in the past, to face and overcome the challenge. A general strike of Government employees, however it might be described by its leaders, is a political weapon. Its success must mean the collapse of the administration and that no Government can permit. At the same time, as I have tried to point out all through this talk, it is regrettable that the Government took no serious notice of the recommendations of the two successive Pay Commissions in favour of the establishment of machinery for negotiations of friendly settlement during these 13 years—from 1947 to 1960. Government employees have waited in patience while the cost of living has steadily risen and may I point out that even the second Pay Commission was appointed only after a threat of a strike. So far as the staff councils are concerned I can only say that they have given to the employees far too little and much too late. But even under such circumstances only 25%—if that is the actual proportion—responded to the call for a strike. The majority remained loyal and I have an impression that many of these 25% yielded to intimidation or other forms of improper pressure. I have cited these aspects of the situation to point out that all the striking employees did not act voluntarily and so far as the vast majority of them are concerned, they were not irresponsible in their conduct. And for that reason I say there is no necessity for the moment for a legal ban on strikes because the big stick approach is never a healthy one. Negotiation is the positive way. I am glad that Dr. Subbarayan, Union Minister for Transport and Communications, who is presiding over today's lecture, seems to hold this view on the question of a legal ban on strikes.

Secondly, I would like to say that all questions relating to revision of pay, dearness allowances and other allowances to be dealt with should be on the basis of negotiations through a Pay Research Unit as has been done in Britain; these will yield, I think, much better results than *ad hoc* enquiries. We must be sure of the facts on which decisions are based and also it is extremely desirable for many reasons

that wage scales and conditions of service in the private sector and Government service should constantly react on each other as they do in Britain. Mr. Cooper made a very detailed reference to this point also in his lecture yesterday.* Therefore, it is not necessary for me to go into further details.


I think the Government is anxious to make a new start in its dealings with its employees. May I point out that there must be a definite effort on the part of different Ministries to adopt a common approach at least in regard to basic principles. Such an approach, it seems to me judging as an outsider, is lacking at the moment.

Also, in my view—I have had some experience of trade unionism because I was in it from the year 1919 and have given many years of my life in building up that movement—I do not think it is a good thing for healthy trade unionism that any political party should seek direct control over trade unions. The existence of different all-India trade union movements affiliated to different political parties has no justification if the real purpose is to advance the interests of the workers.

And finally I would like to say that it is desirable that the Ministry of Labour should handle all problems of employees rather than any other Ministry. This suggestion I am making has the support of the second Pay Commission. In the concluding paragraph of the chapter to which I have already referred more than once, the Commission has attached importance to the close association of the Ministry of Labour with all matters concerning staff relations and in particular with the proposed central joint council. I would like to draw your attention to another suggestion of the Pay Commission : "As a matter of policy, the Government now seek to influence through the Ministry of Labour the wage structure and conditions of employment in the private sector. It is, therefore, only right if the general labour policies of Government are to apply in spirit if not always in form,

*See pp. 11-19.

to their own employees, that the Ministry of Labour should be associated with other Ministries in dealing with the matters concerning Government's Employees. This is particularly necessary in the case of industrial staffs. It is natural for the employing Ministries to look at the problems of their employees primarily from the employer's angle; the Ministry of Labour would bring to bear on those problems the Government's general labour policy. And what is equally important, the employees themselves would view matters thus."



APPENDIX 'A'

CONSTITUTION OF THE NATIONAL WHITLEY COUNCIL

MEMBERSHIP

1. The Council shall consist of 54 members (including four secretaries) to be appointed as to one half by the Government (the Official Side), and as to the other half by groups of staff associations (the Staff Side).

2. The Official Side. The members of the Official Side of the Council shall be persons of standing (who may or may not be civil servants) and shall include at least one representative of the Treasury and one representative of the Ministry of Labour.

3. The Staff Side. The Staff Side shall consist of persons of standing (who may or may not be civil servants) appointed by the undermentioned groups of staff associations:

- (1) Post Office associations.
- (2) Civil Service Federation.
- (3) Civil Service Alliance.
- (4) Society of Civil Servants and Association of First Division Civil Servants.
- (5) Institution of Professional Civil Servants.
- (6) Temporary staff associations.

4. It shall be open to the authorities appointing the respective sides of the Council to vary their representatives.

OFFICERS

5. The first Council shall be appointed to serve until the close of the annual meeting in 1921.

Casual vacancies shall be filled by the authority concerned, which shall appoint a member to serve for the remainder of the term for which the outgoing member was appointed.

6. Chairman and vice-chairman. The chairman of the Council shall be a member of the Official Side; the vice-chairman shall be a member of the Staff Side of the Council.

7. Secretaries. Each side of the Council shall appoint two of its members to act as secretaries.

8. Quorum. The quorum shall be 14 members on each side of the Council.

9. Meetings, etc. The ordinary meetings of the Council shall be held as often as necessary and not less than once a quarter. The meeting in the month of October shall be the annual meeting. An agenda shall be circulated to all members not less than 14 days before the meetings of the Council. Business not on the agenda shall only be taken by permission of the chairman and vice-chairman. A special meeting of the Council shall be called by the chairman or vice-chairman as required. The business to be discussed at such meetings shall be limited to matters stated upon the notice summoning the meeting.

10. The Council shall draw up such standing orders and rules for the conduct of its business as it may deem necessary.

OBJECTS AND FUNCTIONS

11. General objects. The objects of the National Council shall be to secure the greatest measure of co-operation between the State in its capacity as employer, and the general body of civil servants in matters affecting the Civil Service, with a view to increased efficiency in the public service combined with the well-being of those employed; to provide machinery for dealing with grievances and generally to bring together the experience and different points of view of representatives of the administrative, clerical and manipulative Civil Service.

FUNCTIONS

12. The scope of the National Council shall comprise all matters which affect the conditions of service of the staff.

13. The functions of the National Council shall include the following:

- (i) Provision of the best means for utilizing the ideas and experience of the staff.
- (ii) Means for securing to the staff a greater share in and responsibility for the determination and observance of the conditions under which their duties are carried out.
- (iii) Determination of the general principles governing conditions of service, *e.g.*, recruitment, hours, promotion, discipline, tenure, remuneration and superannuation.

In the National Council the discussion of promotion shall be restricted to the general aspects of the matter and the principles upon which promotions in general should rest. In no circumstances shall individual cases be taken into consideration.

It shall be open to the National Council to discuss the general principles underlying disciplinary action, but there shall be no discussion of individual cases.

- (iv) The encouragement of the further education of civil servants and their training in higher administration and organisation.
- (v) Improvement of office machinery and organisation and the provision of opportunities for the full consideration of suggestions by the staff on this subject.
- (vi) Proposed legislation so far as it has a bearing upon the position of civil servants in relation to their employment.

COMMITTEES

14. The National Council may appoint standing committees, special committees, and grade committees and may delegate special powers to any committee so appointed.

The members of the standing committee shall be members of the Council. The Council may appoint on special committees such persons not necessarily being members of the Council as may serve the special purposes of the Council. Grade committees shall consist of representatives of the grade concerned and official representatives, such persons not necessarily being members of the Council.

REMUNERATION OF CERTAIN CLASSES

15. The National Council shall be the only joint body to determine questions of remuneration affecting a class employed in two or more Departments. Such questions affecting Treasury classes shall be referred by the Council to grade committees of that Council. In the case of other classes the National Council shall determine whether reference should be to grade committees of the National Council or to a joint meeting of the departmental Councils concerned.

DECISIONS

16. The decisions of the Council shall be arrived at by agreement between the two sides, shall be signed by the chairman and vice-chairman, shall be reported to the Cabinet, and thereupon shall become operative.

PUBLICATION OF PROCEEDINGS OF NATIONAL COUNCIL

17. Only statements issued under the authority of the Council shall be published, and such statements shall be as full and informative as possible.

MINUTES

18. The Council shall keep minutes of its proceedings.

FINANCE


19. Each side of the Council shall be responsible for its own expenses; the common expenses shall be defrayed in equal proportions by the Government and the staff associations.

AMENDMENT OF THE CONSTITUTION

20. The constitution of the Council may only be amended at an annual meeting. Notice of amendment of the constitution must be given and circulated to the members of the Council at least one month before the meeting.

Note. The constitution was amended on 1st July, 1927, by the insertion of the following new paragraph after paragraph 16:

In any case where it appears to either side of the Council that it is necessary or desirable to examine the outcome of any general arrangement to which the National Council is committed, the matter shall be referred to a special committee consisting of two or three members of the Official and Staff Sides of the Council respectively whose business it would be to provide the Council with an agreed statement of the relevant facts of the matter, together with any recommendations that they may be in a position to make for the guidance of the Council as to the steps, if any, which should appropriately be taken either by way of a more precise definition of the existing scheme or by way of amendment of the existing scheme. In the light of this committee's report it would be open to the Council to consider what steps might so be taken in order to secure a mutually acceptable settlement of the matter.



APPENDIX 'B'

MODEL CONSTITUTION FOR A DEPARTMENTAL WHITLEY COUNCIL

MEMBERSHIP

1. The Council shall consist of not more than _____ members appointed as to not more than _____ members by the Minister or by the head of the Department (the Official Side) and as to not more than _____ members by the associations or groups of associations having members employed in the Department (the Staff Side).

2. The members of the Council shall be persons of standing. The chairman of the Council shall, as occasion may require, arrange for the addition to the Official Side of the Council of a representative appointed by the Treasury.

3. Where an association has members outside as well as inside the Department, the electorate for the Department shall be the members of the association in the Department, and, if necessary, special machinery shall be set up by the association to ensure the carrying into effect of this arrangement. It shall be open to the electorate so constituted to choose as their representative any member or official of the association who is employed in the Civil Service or, if not a person so employed, is a full-time officer of the association. The election shall in all cases be under the authority of the association concerned. Although certain questions relating to classes employed in two or more departments will be dealt with by special grade committees of the National Council, this fact shall not preclude members in those classes from being elected to serve on the Departmental Council.

4. The Council shall cover all civil servants employed in the Department who are not included in the joint bodies for the government industrial establishments.

5. It shall be open to the authorities appointing the respective sides of the Council to vary their representatives.

6. The first Council shall be appointed to serve until the close of the annual meeting in

7. Casual vacancies may be filled by the authority concerned in the same manner as the original appointments. Provided always that where a representative cannot attend a meeting of the Council, an accredited deputy may be appointed *pro hac vice* by the authority concerned.

8. Chairman and vice-chairman. The chairman at every meeting of the Council shall be a member of the Official Side, the vice-chairman shall be a member of the Staff Side of the Council.

9. Secretaries. Each side of the Council shall appoint a secretary, or secretaries who may or may not be members of the Council.

10. Quorum. The quorum shall be

11. Meetings, etc. The ordinary meetings of the Council shall be held as often as necessary, and not less than once a quarter: the meeting in the month of shall be the annual meeting. An agenda shall be circulated to all members not less than days before the meetings of the Council.

Business not on the agenda shall be taken only by permission of the chairman and vice-chairman. A special meeting of the Council may be called by the chairman on his own initiative or at the request of the vice-chairman. The business to be discussed at such special meetings shall be limited to matters stated upon the notice summoning the meeting.

12. The Council shall draw up such standing orders and rules for the conduct of its business as it may deem necessary.

OBJECTS AND FUNCTIONS

13. General objects. The general objects of the Council shall be to secure the greatest measure of co-operation

between the administration, in its capacity as employer, and the general body of the staff in matters affecting the Department, with a view to increased efficiency in the Department combined with the well-being of those employed; to provide machinery for dealing with grievances; and generally to bring together the experience and different points of view respecting conditions of service within the Department.

FUNCTIONS

14. The scope of the Council shall comprise all matters which affect the conditions of service of the staff in the Department, and its functions shall include the following:

- (a) Provision of the best means for utilising the ideas and experience of the staff.
- (b) Means for securing to the staff a greater share in and responsibility for the determination and observance of the conditions under which their duties are carried out.
- (c) Determination of the general principles governing conditions of service, *e.g.*, recruitment, hours, tenure and remuneration in so far as these matters are peculiar to members of the staff of the Department.
- (d) The encouragement of the further education of the staff, and their training in higher administration and organisation.
- (e) Improvement of office machinery and organisation and the provision of opportunities for the full consideration of suggestions by the staff on this subject.
- (f) The consideration of proposed legislation so far as it has a bearing upon the position of members of the staff in relation to their employment in the Department.
- (g) The discussion of the general principles governing superannuation and their application to the members of the staff in the Department.

15. Promotion and discipline. Without prejudice to the responsibility of the head of the Department for making promotions and maintaining discipline, it shall be within the competence of the Council:

- (a) to discuss any promotion in regard to which it is represented by the Staff Side that the principles of promotion accepted by or with the sanction of the National Council have been violated; and
- (b) to discuss any case in which disciplinary action has been taken if it is represented by the Staff Side that such a course is desirable.

16. Questions common to two or more Departments (including the Department) not being general questions, shall be reported to the National Council. The Council may request the National Council to appoint a chairman for inter-departmental meetings for the consideration of such questions.

COMMITTEES

17. The Council may appoint special committees, grade committees and other committees as required, and may delegate special powers to any committee so appointed.

18. The Council may appoint to special committees persons who need not necessarily be members of the Council. Grade committees shall consist of representatives of the grade concerned and official representatives, such persons not necessarily being members of the Council.

DECISIONS

19. The decisions of the Council shall be without prejudice to

- (a) the overriding authority of Parliament and the responsibility of the head of the Department as such;

- (b) the responsibility of the Staff Side to its constituent bodies;
- (c) the authority of the National Council as the only Whitley joint body competent to deal with general questions;

shall be arrived at by agreement between the two sides, shall be signed by the chairman and vice-chairman, shall be reported to the head of the Department and shall be operative.

20. It shall be the duty of the chairman to ensure that decisions reach the proper executive authority without delay.

21. In the event of disagreement on a question of remuneration* within the terms of reference of the Civil Service Arbitration Board†, it will be remitted to that Board† for adjudication. Fixed machinery is not created to deal with other questions on which agreement may not be arrived at and which are outside the Board's† terms of reference, as its existence would necessarily impair the influence and authority of the Departmental Council. Moreover, these questions will vary considerably in their nature and importance and will call for varying treatment. A way out of a deadlock may in some cases be found by informal consultation between the chairman and vice-chairman, in others by referring the matter to an informal committee consisting of the chairman and the vice-chairman and the secretaries. In other cases some other solution may be feasible. In view of these considerations no specific provision is made in this constitution for cases (other than remuneration* cases) where the Council may fail to reach agreement on questions which it is competent to decide, and such cases are left to be dealt with individually as and when they arise. The Council may seek the advice of the National Council in cases of difficulty.

* Nowadays, emoluments, weekly hours of work, or leave

† Now Tribunal

PUBLICATION OF PROCEEDINGS

22. Only statements issued under the authority of the Council shall be published, and such statements shall be as full and informative as possible.

MINUTES

23. The Council shall keep minutes of its proceedings.

FINANCE

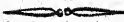
24. Each side of the Council shall be responsible for its own expenses: the common expenses shall be defrayed in equal proportions by the Department and the staff associations. Civil servants who are members of the Staff Side of the Council or of its committees shall be given special leave with pay when attending meetings of the Council or of its committees, the associations bearing the cost of substitution where incurred.

AMENDMENT OF THE CONSTITUTION

25. The constitution of the Council may be amended only at an annual meeting. Notice of amendment of the constitution must be given and circulated to the members of the Council at least days before the meeting.

DISTRICT AND OFFICE (OR WORKS) COMMITTEES

26. The Council shall have power to establish district and office (or works) committees and to decide upon the nature and extent of their functions in accordance with the provisions of clause 56 of the Report of the National Provisional Joint Committee and the application of the Whitley Report to the administrative departments of the Civil Service.



APPENDIX 'C'

CIVIL SERVICE ARBITRATION TRIBUNAL

RULES OF PROCEDURE

When in accordance with the Agreement for arbitration in the Civil Service, a difference is referred to the Civil Service Arbitration Tribunal for settlement, subject to the general jurisdiction of the tribunal to regulate their own procedure as they may think fit, the following rules apply:

(a) The tribunal will give the parties at least 14 days' notice of the date of hearing.

(b) The parties to the reference shall supply to the tribunal in writing six copies of the statement of their case not later than seven days before the date of hearing.

(c) When the copies of the statement of case from parties have been lodged with the tribunal, a copy will be sent by the tribunal to the other side before the date of hearing.

(d) The statement of case shall contain the following particulars:

- (i) The class or classes concerned, and the number of employees in such class or classes.
- (ii) The name or names of the government department or departments concerned.
- (iii) The nature of the claim, stating whether in respect of emoluments (in pay, allowances of the nature of pay, bonus, overtime rates, subsistence rates, travelling and lodging allowances), weekly hours of work, or leave.
- (iv) Where the claim is in respect of emoluments, the present remuneration and bonus (if any) and allowances (if any) should be set out.

- (v) Where the claim is in respect of weekly hours of work or leave, the existing weekly hours of work or leave should be set out.
- (vi) The grounds in support of or in opposition to the claim.
- (vii) Where reference is made to any document or documents, copies or extracts thereof should, if possible, be given.
- (viii) The names and status of the representative or representatives who will appear before the court.

(e) The statement of case shall contain all submissions upon which the party relies in support of or in opposition to the claim as the case may be.

(f) The tribunal will require parties at the hearing to read their statements of case.

(g) Evidence, either oral or in writing, and observations in support of or in opposition to the claim shall be referable to the submissions contained in the statements of case of any party to the reference.

(h) Where any party desires that a case should be adjourned from the date fixed to a later date, a consent to such adjournment signed by all parties shall be sent to the tribunal, and the tribunal, if good reason be shown, will thereupon sanction the adjournment. If joint consent cannot be obtained, application may be made to the tribunal by the party desiring the adjournment.



APPENDIX 'D'

CIVIL SERVICE ARBITRATION AGREEMENT

(1) We are agreed that failing agreement by negotiation arbitration shall be open to Government Departments on the one hand, and to recognised Associations of Civil Servants within the scope of the National Whitley Council for the Administrative and Legal Departments of the Civil Service and of Departmental Whitley Councils allied thereto on the other hand, on application by either party, in regard to certain matters affecting conditions of service, subject to the limitations and conditions hereinafter defined.

(2) We are agreed that:

- (a) where there is failure to agree on a claim falling within the limits set out below, the case shall be reported by or on behalf of either of the parties to the dispute to the Minister of Labour for reference to arbitration by a tribunal consisting of an independent Chairman and one member drawn from a panel of persons appointed by the Minister of Labour as representing the Chancellor of the Exchequer for the time being and one member drawn from a panel of persons appointed by the Minister of Labour as representing the Staff Side of the National Whitley Council for the Administrative and Legal Departments of the Civil Service. The Chairman of the Tribunal shall be a person appointed by the Minister of Labour after consultation with the parties to this agreement and the members of the Tribunal shall be such members of the Panels as the Chairman may direct;
- (b) the Arbitration Acts 1889-1934 shall not apply to any reference under this agreement;

- (c) where on any reference the members of the Tribunal are unable to agree as to their award, the matter shall be decided by the Chairman.

(3) The members of the Tribunal appointed as representing the Staff Side of the National Whitley Council for the Administrative and Legal Departments of the Civil Service should hold office for two years and be eligible for reappointment.

(4) We are of opinion that for the purposes of this agreement Civil Servants and officials of Associations and Federations of classes of Civil Servants should be regarded as ineligible for appointment as members of the Tribunal.

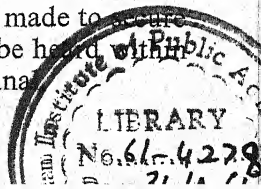
(5) We are agreed that claims in respect of grades carrying flat rate salaries above £1,450 a year or salary scales which have both a maximum above £1,450 a year and a minimum above £1,200 will not be referred to the Tribunal without the consent of both parties concerned in the claim.

(6) Claims eligible to be dealt with by the Tribunal shall be claims affecting the emoluments, weekly hours of work and leave of classes of Civil Servants as herein defined, and cases of individual officers shall be excluded.

(7) The word "emoluments" for the purpose of the foregoing clause shall include pay, and allowances of the nature of pay, bonus, overtime rates, subsistence rates, travelling and lodging allowances. The term "class" shall mean any well-defined category of Civil Servants who, for the purpose of a particular claim, occupy the same position or have a common interest in the claim.

(8) An endeavour shall be made by the parties to agree the terms of reference or the terms of the remit to the Tribunal, but where this is not practicable the respective statements of claim shall be set out and these will together constitute the terms of reference of remit.

(9) We trust that arrangements may be made to secure that under normal conditions claims should be heard within one calendar month of the remit to the Tribunal.



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